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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,319	06/25/2003	Emmanuel Julien Aussant	C7674(V)	3093

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/603,319

Applicant(s)

AUSSANT ET AL

Examiner

Lorna M. Douyon

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This action is responsive to the amendment filed on January 27, 2005.
2. Claims 1-2, 4-11 are pending.
3. The rejection of claim 4 under 35 U.S.C. 112, second paragraph is withdrawn in view of applicants' amendment.
4. The rejection of claims 1-3, 5, 8, 9 and 11 under 35 U.S.C. 102(b) as being anticipated by JP 58103599 is withdrawn in view of applicants' amendment.
5. The rejection of claims 1-2, 5-11 under 35 U.S.C. 102(a) as being anticipated by Suri et al. (US 2002/0035049) is withdrawn in view of applicants' amendment.
6. The rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over JP 58103599 as applied to the above claims and further in view of Ness et al. (US Patent No. 6,194,375) is withdrawn in view of applicants' amendment.
7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
8. Claims 1-2, 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 05168686, hereinafter "JP '686".

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JP '686 teaches a package for treating filth which comprises a powdery deodorant prepared from compounding one or more than two kinds of deodorizing components selected from vegetable essential oils and terpenes which are deposited on a powdery material, and is packed and hermetically sealed alone or together with a water-absorptive resin into a packaging material consisting of a water-soluble film (see abstract), preferably polyvinyl alcohol (see section [0013] of the crude translation). Examples of the powdery support materials are dextrin and a porosity silica (see section [0011] on page 2 of the crude translation). In Example 1, JP '686 teaches a powdery deodorant prepared from 37.5 g of orange oil and 50 g vegetable oil supported on dextrin, and a bag which consists of polyvinyl alcohol film is filled with 1.5 g of this deodorant and the closed opening in the bag is heat sealed (see section [0020] on page 3 of the crude translation). See also Examples 2-4. The wrapping material which consists of a water-soluble film dissolves quickly upon contact with the moisture of the vomit, the deodorant is released and the nasty smell is deodorized (see section [0017] on page 3 of the crude translation). The pore volume of the support material such as dextrin or silica should have a pore volume as those recited because same materials have been utilized. Hence, JP '686 anticipates the claims.

9. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP '686 as applied to the above claims, and further in view of Ness et al. (US Patent No. 6,194,375), hereinafter "Ness".

JP '686 teaches the features as described above. JP '686, however, fails to disclose polymers comprising the recited monomers as support or particle carrier for the deodorizing components or perfume.

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Ness teaches absorption of perfume by particles comprising monomers such as isobutyl methacrylate, n-butyl acrylate, n-butyl methacrylate, n-propyl acrylate, iso-propylmethacrylate and styrene (see col. 4, lines 28-33, examples) and such can retard the evaporation of deposited perfume and can also enhance the extent to which deposited perfume survives a subsequent drying step (see col. 1, lines 55-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to support the deodorizing components or perfume of JP '686 onto particles comprising monomers like isobutyl methacrylate because this will retard the evaporation of deposited perfume and can also enhance the extent to which deposited perfume survives a subsequent drying step as taught by Ness.

10. The prior art made of record and not relied upon is considered pertinent to applicants' disclosure. The references are considered cumulative to or less material than those discussed above.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

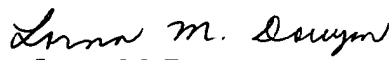
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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
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